

**AMENDMENT TRANSMITTAL LETTER**Docket No.
SPINE 3.0-441 CONT CONTApplication No.
10/667,034-Conf. #1511Filing Date
September 22, 2003Examiner
Richard R. ShafferArt Unit
3775

Applicant(s): James D. Ralph, Stephen Tatar, and Thomas J. Errico

Invention: POROUS INTERVERTEBRAL DISTRACTION SPACERS

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

| CLAIMS AS AMENDED | | | | | |
|-------------------------------------------------|-------------------------------------------|-----------------------------------------|-----------------------------------|--------------------------|--|
| | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate | |
| Total Claims | 20 | - 20 = | | x | |
| Independent Claims | 3 | - 3 = | | x | |
| Multiple Dependent Claims (check if applicable) | | | | <input type="checkbox"/> | |
| Other fee (please specify): | | | | | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT: | | | | | |

- ☒ Large Entity ☐ Small Entity
- ☐ No additional fee is required for this amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
- ☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.


Charles H. Humkey
Attorney/Agent Reg. No.: 60,702Dated: April 24, 2009LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 24, 2009

Signature:  (Charles H. Humkey)